



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,876	11/13/2001	Mizuki Oike	216088US8	6261

22850 7590 02/06/2003

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

THOMAS, BRANDI N

ART UNIT PAPER NUMBER

2873

DATE MAILED: 02/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,876

Applicant(s)

OIKE ET AL.

Examiner

Brandi N Thomas

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6 and 8 is/are rejected.
- 7) ☒ Claim(s) 4-5, 7, and 9-12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *Detailed Action*.

DETAILED ACTION

Claim Objections

1. Claims 9-12 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim must depend from another claim in alternative form only. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-3, 6, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Tatsuno et al. (US 2002/0051270 A1).

Regarding claim 1, Tatsuno et al. discloses a wavelength locker module comprising: a prism (104) for dividing incident light into at least first and second branched light beams (section 0168, lines 60-67); a wavelength selective filter (106) for permitting part of the first branched light beam emitted from said prism to pass therethrough (section 0017, lines 55-68); a first light quantity detector (109) for receiving the part of the first branched light beam having passed through said wavelength selective filter (106); a second light quantity detector (115) for directly

Art Unit: 2873

receiving the second branched light beam emitted from the prism (Section 0018, lines 1-2 and figure 5).

Regarding claim 2, Tatsuno et al. discloses a wavelength locker module wherein said wavelength selective filter has a light transmission characteristic (section 0037, lines 53-55) providing more than predetermined ratio of a change in optical transmittance to a change in wavelength of the incident light in a wavelength region including an incident light wavelength (section 0037, lines 59-66 and 1-5).

Regarding claim 3, Tatsuno et al. discloses a wavelength locker module wherein further comprises angle adjustment means for variably adjusting orientation of said wavelength selective filter to said prism (section 0159, lines 5-7), whereby an incident angle of the first branched light into said wavelength selective filter is adjusted to be in a range from 0 deg to 5 deg (section 0176, lines 60-63).

Regarding claim 6, Tatsuno et al. discloses a wavelength controller comprising: wavelength variation detecting means for detecting, based on outputs of first and second light quantity detectors (109 and 115) of the wavelength locker module, a wavelength variation in incident light entering the wavelength locker module; and wavelength variation suppressing means for suppressing the wavelength variation in accordance with a detection result obtained by said wavelength locker variation detecting means (section 0180, figure 10).

Regarding claim 8, Tatsuno et al. discloses a wavelength controller wherein said wavelength variation suppressing means includes temperature adjusting means for variably adjusting a temperature (401) of an optical signal generator for use with the wavelength controller (section 0031 and figure 10).

Allowable Subject Matter

4. Claims 4, 5 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the claim(s), in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in claim(s) 4 and 5, wherein the claimed invention comprises a roof-shaped prism comprising a first and second inclination surfaces extending relative to a normal line of the incident light into first and second light beams and an angle formed between the two inclination surfaces range from 10 to 65 degrees, as claimed. Also, in claim 7 wherein the claimed invention comprises a wavelength variation detecting means that calculates an output ratio based on the outputs of the first and second light quantities. The combination of all the claimed features are not anticipated or made obvious by the prior art.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Duncan et al. (5215597 B1) discloses an apparatus for correcting aberrations and image size in camera optics for multispectral cameras with color separating prisms.

Terashima (6456767 B2) discloses a planar-mounted waveguide transmitter-receiver module, in which a plurality of separated silicon substrates and a PLC substrate are provided.

Art Unit: 2873

May (US 2002/0041611 A1) discloses a method and system for locking transmission wavelengths for lasers in a dense wavelength division multiplexer utilizing a tunable etalon.

Kojima (US 2002/0154858 A1) discloses a wavelength monitoring device provided with a deinterleaver for separating a multi-wavelength optical signal.

Ono Et al. (US 2002/0172243 A1) discloses a semiconductor laser module testing device for applying tests of various characteristics as an optical semiconductor to modules while fixing a wavelength.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandi N Thomas whose telephone number is 703-308-3095. The examiner can normally be reached on 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 703-308-4883. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7724 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-4883.

BNT

BNT
February 3, 2003

Georgia Epps

Georgia Epps
Supervisory Patent Examiner
Technology Center 2800